

MINUTES

CITY COUNCIL MEETING
TUESDAY, AUGUST 2, 2005

CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE

1. **Call to Order:** Chairman Garcia called the meeting to order at 7:33 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Manuel Zardon, Councilman Jorge A. Merida, Councilman Jorge Gutierrez and Councilman Rolando Piña. Also present were Mayor Yioet De La Cruz, Assistant City Attorney Aida Martinez-Ruiz and Attorney J. Frost Walker III.
3. **Invocation:** Chairman Luciano Garcia led the invocation and introduced his son Austin Garcia and Brian Arnad who were in attendance.
4. **Pledge of Allegiance:** Mr. Austin Garcia and Mr. Brian Arnad of Troop 303 led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** Discussion of donations for local public schools was added to the Agenda as Item 10F.
6. **Review of Minutes:** June 21, 2005. Chairman Garcia made a motion to approve the minutes of June 21, 2005, seconded by Councilman Merida. The motion was unanimously approved.
7. **Public Comments:** None were offered.
8. **Request for extension of deadline for the following bids:** Mr. Marcos Piloto, O.M.B.
PW-05-100 Government Complex Warehouse Building
PW-05-110 Government Water and Sewer Offices
PW-05-120 Hialeah Gardens Police Station

Mr. Marcos Piloto, Director of O.M.B. came forward and explained the need to extend the deadline to accept bids until September 8, 2005, as no bids had been received to date. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

9. Proposed Resolutions:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE AWARD OF A CONTRACT FOR WATER AND SEWER CONNECTION FOR THE HIALEAH GARDENS POLICE DEPARTMENT; WAIVING COMPETITIVE BIDDING; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXTEND AN AGREEMENT WITH ACOSTA TRACTORS, INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mrs. Martinez-Ruiz read the full title of the resolution into the record. Mr. Marcos Piloto, O.M.B. Director came forward and gave details of the award of a contract for the water and sewer connection for the Hialeah Gardens Police Department to Acosta Tractors, Inc. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE AWARD OF A CONTRACT FOR WATER AND SEWER EXTENSION FOR THE HIALEAH GARDENS GOVERNMENT COMPLEX; WAIVING COMPETITIVE BIDDING; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXTEND AN AGREEMENT WITH ACOSTA TRACTORS, INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mrs. Martinez-Ruiz read the full title of the resolution into the record. Mrs. Martinez-Ruiz explained the award of a contract for the water and sewer extension for the Hialeah Gardens Government Complex to Acosta Tractors, Inc. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- C) RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE EXTENSION OF THE EXCLUSIVE RECYCLING CONTRACT WITH WASTE MANAGEMENT FOR THE PURPOSE OF RECYCLABLE GARBAGE SERVICES OF THE CITY OF HIALEAH GARDENS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**

Mrs. Martinez-Ruiz read the full title of the resolution into the record. Mayor De La Cruz explained the need for an extension of the recycling program. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

D) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE EXECUTION OF AMENDMENT ONE TO THE FY 2005 HOME CONTRACT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF HIALEAH GARDENS FOR THE SAMARI LAKE EAST CONDOMINIUM REHABILITATION ASSISTANCE PROGRAM; PROVIDING FOR EFFECTIVE DATE.

Mrs. Martinez-Ruiz read the full title of the resolution into the record. Mayor De La Cruz made comments regarding the award of an additional \$250,000 to the original contract with Miami-Dade County for unit repairs to Samari Lake East Condominium. Chairman Garcia made a motion to approve, seconded by Councilman Gutierrez. The motion was unanimously approved.

E) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING ENTERING INTO A MUTUAL AID AGREEMENT WITH THE CITY OF MIAMI BEACH, FLORIDA, REGARDING LAW ENFORCEMENT ISSUES AND NEEDS; AUTHORIZING THE EXECUTION OF SUCH AGREEMENT BY THE MAYOR; RATIFYING THE PROVISIONS OF SUCH AGREEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mrs. Martinez-Ruiz read the full title of the resolution into the record. Chief H. Keith Joy came forward and gave details of the mutual aid agreement with the City of Miami Beach who will be hosting the Chiefs of Police Conference this year. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

F) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING ENTERING INTO A MUTUAL AID AGREEMENT WITH THE TOWN OF MEDLEY, FLORIDA, REGARDING LAW ENFORCEMENT ISSUES AND NEEDS; AUTHORIZING THE EXECUTION OF SUCH AGREEMENT BY THE MAYOR; RATIFYING THE PROVISIONS OF SUCH AGREEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mrs. Martinez-Ruiz read the full title of the resolution into the record. Chief H. Keith Joy came forward and gave details of the renewal of the mutual aid agreement with the Town of Medley. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- G) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING ENTERING INTO A MUTUAL AID AGREEMENT WITH THE CITY OF FLORIDA CITY, FLORIDA, REGARDING LAW ENFORCEMENT ISSUES AND NEEDS; AUTHORIZING THE EXECUTION OF SUCH AGREEMENT BY THE MAYOR; RATIFYING THE PROVISIONS OF SUCH AGREEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mrs. Martinez-Ruiz read the full title of the resolution into the record. Chief H. Keith Joy came forward and gave details of the renewal of the mutual aid agreement with the City of Florida City. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- H) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING ENTERING INTO AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT REGARDING USE OF THE NATIONAL CRIME INFORMATION CENTER, THE FLORIDA CRIME INFORMATION CENTER AND THE CRIMINAL JUSTICE NETWORK; AUTHORIZING THE EXECUTION OF SUCH AGREEMENT BY THE MAYOR; RATIFYING THE PROVISIONS OF SUCH AGREEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mrs. Martinez-Ruiz read the full title of the resolution into the record. Chief H. Keith Joy came forward and gave information regarding the user agreement with the Florida Department of Law Enforcement crime information centers. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- I) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, RATIFYING AND APPROVING AN AGREEMENT WITH JNS COLLISION FOR THE DESTRIPIING AND PAINTING OF POLICE VEHICLES; WAIVING COMPETITIVE BIDDING; AUTHORIZING THE APPROPRIATE OFFICIALS TO EXECUTE AN AGREEMENT WITH JNS COLLISION; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.**

Mrs. Martinez-Ruiz read the full title of the resolution into the record. Mr. Marcos Piloto, O.M.B. Director came forward and gave a report on the destriping and painting of police vehicles which exceeds the threshold of \$10,000 and the need for council approval in order to continue with the work. Mr. Piloto reported on the quotes received from different vendors. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

10. Second Reading / Public Hearing for consideration and final adoption of the following ordinances:

Mrs. Martinez-Ruiz swore in all those who would be testifying on any of the items for public hearing.

- A) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR JANNETTE COVE III, CONCERNING PROPERTY LEGALLY DESCRIBED AS: THE EAST 200 FEET OF TRACT 33 LESS THE NORTH 100 FEET "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1" OF SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; LESS THE EAST 27 FEET OF THE NORTH 53.20 FEET THEREOF, SUBJECT TO DEDICATIONS, LIMITATIONS, RESERVATIONS, RESTRICTIONS OR EASEMENTS OF RECORD, IF ANY; LOCATION: SOUTHEAST CORNER OF FRONTAGE ROAD AND N.W. 98TH STREET; PROVIDING FOR CONDITIONS: PROVIDING FOR EFFECTIVE DATE. (Location: Southeast corner of Frontage Road and NW 98th Street) (P&Z Vote: 4-0; T.R.C. Vote: 5-0)***

Mrs. Martinez-Ruiz read the full title of the ordinance into the record. Mr. Carlos Hernandez was present for the applicant. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Chairman Garcia opened the public hearing at 7:50 p.m. Mrs. Cristina Blake Cabrera, a resident, came forward regarding a complaint unrelated to the item at hand. She was told to wait until the end of the meeting in order to address her issue. No one came forward for the public hearing item; therefore, Chairman Garcia closed the public hearing at 7:52 p.m. A motion to approve was made by Chairman Garcia, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(Vote 5-0)**.

- B) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR JANNETTE COVE III CONCERNING PROPERTY LEGALLY DESCRIBED AS: THE EAST 200 FEET OF TRACT 33***

LESS THE NORTH 100 FEET “FLORIDA FRUIT LAND COMPANY’S SUBDIVISION NO. 1” OF SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; LESS THE EAST 27 FEET OF THE NORTH 53.20 FEET THEREOF; LOCATION: SOUTHEAST CORNER OF FRONTAGE ROAD AND N.W. 98TH STREET; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.
 (Location: Southeast corner of Frontage Road and NW 98th Street)
 (P&Z Vote: 2-2 Villar, Maurici in favor, Perez, Eijan against); T.R.C.
 Vote: 5-0)

Mrs. Martinez-Ruiz read the full title of the ordinance into the record. Mr. Frank Suarez, architect for the applicant was present. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Chairman Garcia opened the public hearing at 7:55 p.m. No one came forward; Chairman Garcia closed the public hearing at 7:55 p.m. A motion to approve was made by Chairman Garcia, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(Vote 5-0)**.

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE VACATION OF A PORTION OF NW 82ND AVENUE RIGHT OF WAY, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE EAST 15 FEET OF THE FOLLOWING DESCRIBED PARCEL: TRACT 33 LESS THE NORTH 155.44 FEET OF FLORIDA FRUIT LANDS COMPANY’S SUBDIVISION No 1 OF SECTION 3 TOWNSHIP 53 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.” CONTAINING 2,615 SQ. FT. MORE OR LESS; PROVIDING FOR CONDITIONS, PROVIDING FOR AN EFFECTIVE DATE. (P&Z Vote: 4-0; T.R.C. 5-0)**

Mrs. Martinez-Ruiz read the full title of the ordinance into the record. Mr. Carlos Hernandez was present for the applicant. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Chairman Garcia opened the public hearing at 7:59 p.m. No one came forward; Chairman Garcia closed the public hearing at 7:59 p.m. A motion to approve was made by Chairman Garcia, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(Vote 5-0)**.

- D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR PREMIER AMERICAN BANK, CONCERNING PROPERTY**

LEGALLY DESCRIBED: TRACT B OF SANTA NAVILA SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 154, AT PAGE 97, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FLORIDA. LOCATION: 8404 NW 103 STREET; PROVIDING FOR CONDITONS; PROVIDING FOR EFFECTIVE DATE. (Location: 8404 N.W. 103 Street) (P&Z Vote: 4-0; T.R.C. 5-0)

Mrs. Martinez-Ruiz read the full title of the ordinance into the record. The applicant was not present, therefore Chairman Garcia made a motion to table the item, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(Vote 5-0 TABLED)**.

E) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR: HAFIF LAND DEVELOPMENT INC., CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACT A-A OF SHOMA COMMERCIAL REPLAT SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 161, AT PAGE 100, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: EAST AND SOUTHEAST OF NW 138 STREET, NORTH OF NW 112 COURT. FOLIO #: 27-2030-015-0100, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: East and Southeast of NW 138th Street, North of NW 112 Court) (P&Z Vote: 4-0; T.R.C. 6-0)

Mrs. Martinez-Ruiz read the full title of the ordinance into the record. Mr. Paul Huizenga was present for the applicant. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Chairman Garcia opened the public hearing at 8:02 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:02 p.m. A motion to approve was made by Chairman Garcia, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(Vote 5-0)**.

10F. Discussion of donations to local public schools: Mayor Yioset De La Cruz.

Mayor De La Cruz requested that the \$200,000 donation to the City be distributed as follows: \$100,000 to Hialeah Gardens Elementary, \$30,000 to Mater Academy, \$30,000 to Youth Co-Op and the remaining \$40,000 for uniforms. Chairman Garcia made a recommendation for the \$100,000 donation to Hialeah Gardens Elementary, seconded by Councilman Merida. The motion was unanimously approved.

11. City Attorney's Report: Mrs. Martinez-Ruiz had no comments.

12. **Mayor's Report – Miscellaneous:** Mayor De La Cruz ceded his time to resident Cristina Blake Cabrera who had concerns over pot holes on the swale in front of her property. Mayor De La Cruz will have the Public Works Department look into the situation and address the issue.

13. **Council Members Concerns/Reports – Board Appointments**

Councilman Gutierrez thanked Mayor De La Cruz for the school donations and the additional funding for the Samari Lake home rehabilitation program.

14. **Adjournment:** The meeting was adjourned at 8:08 p.m.

Respectfully submitted by:

Maria L. Joffe
City Clerk

Any person desiring to appeal any decision made by the Council with respect to any matter considered at this meeting will need a record of the proceedings, and it will be their responsibility to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

SCHEDULE OF MEETINGS

CITY COUNCIL

Thursday, September 8, 2005, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, September 12, 2005, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Wednesday, September 7, 2005, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, August 23, 2005, 7:00P.M.

POLICE PENSION BOARD

Tuesday, November 8, 2005, 6:00 P.M.